

IN THE MATTER OF

☐ Amended**Petition for
Modification of Guardianship**

Case No. _____

Date of Birth _____

UNDER OATH, I STATE:

1. I am ☐ the ward who is 18 years of age or older.
☐ a person acting on the ward's behalf _____
☐ the ward's ☐ guardian of person. ☐ guardian of estate.
2. This is a petition to have the guardianship limited and specific rights restored.
3. This petition is filed more than **180 days after any previous hearing** on the petition for guardianship or petition for receipt and acceptance of a foreign guardianship, or there are exigent circumstances, including presentation of new evidence, that require a review at any time. (Specify circumstances) _____
4. At a hearing held on (Date) _____, the ward was determined to be incompetent and in need of a guardian
☐ in Wisconsin (County) _____
☐ out-of-state (State where determined) _____ (Certified copy of order is attached)
- ☐ 5. A report of examination of ward by a physician or psychologist is filed with this petition or will be filed at this hearing.
- ☐ 6. I believe the court should limit the **guardianship of the person** and restore specific rights to the ward as follows:
 - A. **Rights to be restored in full.** These rights were previously removed from the ward and should be restored to the ward. Due to the prior removal, no one is able to exercise the right.
 - ☐ 1. Right to execute a will.
 - ☐ 2. Right to serve on a jury.
 - ☐ 3. Right to register to vote or to vote in an election.
 - B. **Rights to be restored or exercised by individual with consent of Guardian of Person.** These rights were previously removed from the ward or limited so that the ward could only exercise the right with the guardian of the person's consent. If previously removed, no one is able to exercise the right. Ward now has the capacity to exercise the right or the increased capacity to exercise the right with the consent of the guardian of the person and I request restoration of the right as follows:
 - ☐ a. Right to consent to marriage:
Choose (1) or (2):
☐ (1) declare the individual has capacity to exercise this right and restore in full.
☐ (2) declare the individual has capacity to exercise this right only with consent of the guardian of the person and restore to this extent.
 - ☐ b. Right to apply for an operator's license, a hunting, fishing or other license issued under ch. 29, or a credential as defined in §440.01(2), Wisconsin Statutes: _____
Choose (1) or (2):
☐ (1) declare the individual has capacity to exercise this right and restore in full.
☐ (2) declare the individual has capacity to exercise this right only with consent of the guardian of the person and restore to this extent.
 - ☐ c. Right to consent to sterilization:
Choose (1) or (2):
☐ (1) declare the individual has capacity to exercise this right and restore in full.
☐ (2) declare the individual has capacity to exercise this right only with consent of the guardian of the person and restore to this extent.
 - ☐ d. Right to consent to organ, tissue, or bone marrow donation:

Choose (1) or (2):

- ☐ (1) declare the individual has capacity to exercise this right and restore in full.
- ☐ (2) declare the individual has capacity to exercise this right only with consent of the guardian of the person and restore to this extent.

C. Powers to be transferred to the Ward in part or in full.

I request that the following powers, which were previously transferred to the guardian, be returned to the ward as follows:

If a power is to be affected, the box to the far left must be marked. Marking only box (1) or (2) has no effect and the individual retains the power.

- ☐ ab. Except as otherwise limited by Wisconsin Statute 54.25(2)(d)2.ab., the power to give an informed consent to the voluntary receipt by the guardian's ward of a medical examination, medication, including any appropriate psychotropic medication, and medical treatment that is in the ward's best interest, if the guardian has first made a good-faith attempt to discuss with the ward the voluntary receipt of the examination, medication, or treatment and if the ward does not protest.

Choose (1) or (2):

- ☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
- ☐ (2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.

- ☐ ac. Except as otherwise limited by Wisconsin Statute 54.25(2)(d)2.ac., the power to give informed consent, if in the ward's best interests, to the involuntary administration of a medical examination, medication other than psychotropic medication, and medical treatment that is in the ward's best interest.

Choose (1) or (2):

- ☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
- ☐ (2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.

- ☐ b. The power to authorize individual's participation in an accredited or certified research project if the research project might help the individual, or others if minimal risk of harm.

Choose (1) or (2):

- ☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
- ☐ (2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.

- ☐ c. The power to authorize individual's participation in research that might not help the individual but might help others if greater than minimal risk of harm to the individual but evidence indicates individual would have elected to participate.

Choose (1) or (2):

- ☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
- ☐ (2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.

- ☐ d. The power to consent to experimental treatment in the individual's best interests.

Choose (1) or (2):

- ☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
- ☐ (2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.

- ☐ e. The power to give informed consent to receipt by individual of social and supported living services.

Choose (1) or (2):

- ☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
- ☐ (2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.

- ☐ f. The power to give informed consent to release of confidential records other than court, treatment, and patient health care records and redisclosure as appropriate.
Choose (1) or (2):
☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
☐ (2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.
- ☐ g. The power to make decisions related to mobility and travel.
Choose (1) or (2):
☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
☐ (2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.
- h. [Intentionally omitted to correspond with statute.]
- ☐ i. The power to choose providers of medical, social, and supported living services.
Choose (1) or (2):
☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
☐ (2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.
- ☐ j. The power to make decisions regarding educational and vocational placement and support services or employment.
Choose (1) or (2):
☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
☐ (2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.
- ☐ k. The power to make decisions regarding initiating a petition for termination of marriage.
Choose (1) or (2):
☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
☐ (2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.
- ☐ l. The power to receive all notices on behalf of individual.
Choose (1) or (2):
☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
☐ (2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.
- ☐ m. The power to act in all proceedings as an advocate of the individual, except the power to enter into a contract that binds the individual or the individual's property or to represent the individual in any legal proceedings pertaining to the property, unless the guardian of the person is also the guardian of the estate.
Choose (1) or (2):
☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
☐ (2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.
- ☐ n. The power to apply for protective placement or for commitment.
Choose (1) or (2):
☐ (1) Individual retains limited capacity and the power to: _____
Guardian of the person to exercise power not retained by individual.
☐ (2) Individual has regained evaluative capacity in full. Power should be removed from the Guardian of the person.
- ☐ o. The power to have custody of the individual, if an adult, and the power to have care, custody, and control of the individual, if a minor.

Choose (1) or (2):

- ☐ (1) Individual retains limited capacity and the power to: _____.
Guardian of the person to exercise power not retained by individual.
- ☐ (2) Individual has regained evaluative capacity in full. Power should be removed from the
Guardian of the person.

☐ p. Other specific powers: _____

☐ **See attached**

- ☐ 7. I believe that the court should limit the **guardianship of the estate** and restore specific powers to the ward as follows: _____

I REQUEST THE COURT:

1. Order a hearing on this petition.
2. Designate persons entitled to notice of hearing and the manner in which notice shall be given.
- ☐ 3. Limit the guardianship of person and restore specific rights.
- ☐ 4. Limit the guardianship of estate and restore specific rights.
- ☐ 5. Award appropriate fees and costs.

Subscribed and sworn to before me
on _____

Notary Public/Court Official

My commission expires: _____



Petitioner

Name Printed or Typed

Address

Name of Attorney/Petitioner	
Address	
Telephone Number	Bar Number